

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN AT ABUJA

ON TUESDAY 20TH DAY OF JUNE 2017

BEFORE HIS LORDSHIP: HON. JUSTICE O. A. ADENIYI

SITTING AT COURT NO. 20 APO - ABUJA

CHARGE NO: FCT/HC/CR/15/14

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA COMPLAINANT

AND

MICHAEL OGUN (*aka Idris Suleiman; Ibrahim Bello*) DEFENDANT

JUDGMENT

The Defendant in this suit claimed to be a Real Estate Broker cum contractor. By the original Charge filed on 05/11/2014, he was arraigned before this Court on 10/12/2014, on a Six Count Charge of obtaining

money under false pretences and forgery, punishable under the **Advance Fee Fraud and Other Fraud Related Offences Act, 2006**.

The matter thereafter proceeded to trial and the prosecution, so far, had called three (3) witnesses and tendered Seventeen (17) sets of documents in evidence as exhibits.

However, on 05/04/2017, the date fixed for further trial in the suit, the prosecution learned counsel, **Yetunde Alabi (Mrs.)**, intimated the Court of the election of the Defendant, at that stage of the proceedings, to enter into a **Plea Bargain** negotiation with the Complainant with regards to the pending Charge for which he was standing trial. As a result, the matter was adjourned to

enable all relevant parties explore the **Plea Bargain** option.

Subsequently, the prosecution filed an Amended Charge on 01/06/2017; whilst the **Plea Bargain Agreement** was filed in this Court on 14/06/2017.

Having affirmed to this Court under oath that he voluntarily agreed to enter into the **Plea Bargain Agreement**, the Defendant proceeded to enter a fresh plea to the Amended Charge on 14/06/2017, whereby he pleaded guilty to the entirety of the Six Count Charge.

The learned prosecution counsel thereafter rendered a summary of the case against the Defendant, largely

on the basis of the evidence already adduced so far before the Court.

I had proceeded to examine the Amended Charge, vis-à-vis the evidence so far led at the trial by the prosecution, particularly the documents tendered as exhibits; and the summary rendered by the learned prosecution counsel. Of particular significance is the Defendant's extra-judicial confessional statement made to the Economic and Financial Crimes Commission, on 24/07/2014; 25/07/2014; 07/08/2014; 21/08/2014 and 28/08/2014, tendered in evidence as **Exhibits P17, P17^A – P17^E** respectively. Suffice to remark that the voluntariness of these statements were not contested or put in question by the Defendant at the point of admission.

As gathered from the statements, the Defendant, in unequivocal language, confessed to the commission of the offences for which he was charged. He stated that he, not being a staff of the Nigerian Security and Civil Defence Corp; and the Nigeria Customs Service, engaged in a job scam whereby he opened several accounts with fictitious names with some banks, which he used to warehouse monies paid to him by the unsuspecting members of the public, who he, under false pretences, promised to secure employment placements for at the Nigerian Security and Civil Defence Corp and the Nigeria Customs Service. He further confessed to printing fake employment letters with the forged letter headed papers of the Nigerian Security and Civil Defence Corp and the Nigeria

Customs Service, some of which were found in his possession and retrieved from his laptop by the investigators.

The Defendant further confessed that in all, he and his co-conspirators issued fake Nigerian Security and Civil Defence Corp employment letters to forty-five (45) unsuspecting Nigerians, at a cost of ₦75,000.00 each.

He further confessed that, up until the time he was apprehended, he had personally benefitted an estimated sum of ₦506,250.00, representing just 15% of the total sum obtained from the Civil Defence employment scam; that the monies were paid through the said bank accounts he opened with fictitious names and documents, without having any physical contact with any of the victims.

One of such persons that the Defendant duped, by falsely representing to her that he was a staff of the Nigerian Security and Civil Defence Corp and assuring her that he could secure employment for her with the organization was one **Angela Chinwe Okeke**, who testified as prosecution witness in the course of trial, and established that indeed she paid the sum of ₦75,000.00 (Seventy Five Thousand Naira) only through the fictitious accounts supplied to her on phone by the scammers who promised to and indeed secured employment for her at the Nigerian Security and Civil Defence Corp; but which she later found out to be a phantom employment.

On the basis of the evidence so far led on the record, as revealed by the Defendant's confessional

statements and the unchallenged testimony of **Angela Chinwe Okeke**, as summarized in the foregoing, I have been firmly satisfied, as required by the provision of **section 270 (10) (a)** of the **Administration of Criminal Justice Act, 2015**, that the Defendant is indeed guilty of the offences for which he had pleaded guilty.

Without any further ado therefore, I hereby pronounce the Defendant guilty of the entirety of the Six Count Amended Charge.

OLUKAYODE A. ADENIYI

(Presiding Judge)

20/06/2017